

FILED

NOV 23 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON ALLEN MAGGARD,

Petitioner,

No. CIV S-04-2196 GEB KJM P

vs.

THE PEOPLE OF THE
STATE OF CALIFORNIA,

Respondent.

ORDER

In light of recent Supreme Court decisions, the order of August 16, 2005 is hereby vacated, the findings and recommendations of June 22, 2005 are not adopted, and the matter is remanded to the magistrate judge for reconsideration. See Rhines v. Weber, __ U.S. __, 125 S.Ct. 1528 (2005).

DATED: *11/23/05*


UNITED STATES DISTRICT JUDGE